

BROWN & JONES REPORTING, INC.

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

CYNTHIA ANNE DIVEGLIA formerly CYNTHIA ANNE KAYLOR,
Plaintiff,

-vs-

Case No. 1-CV-00-1342

NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY,
Defendant.

Video Examination of SUZANNE BALISTRERI,
taken at the instance of the Plaintiff, under and
pursuant to the Federal Rules of Civil Procedure,
pursuant to Notice, before JANE M. JONES, a Certified
Realtime Reporter, Registered Merit Reporter and Notary
Public in and for the State of Wisconsin, at Brown &
Jones Reporting, Inc., 312 East Wisconsin Avenue,
Milwaukee, Wisconsin, on the 24th day of April, 2001,
commencing at 10:21 a.m. and concluding at 11:47 a.m.

(5)

1 BY MR. DIVEGLIA:

2 Q Okay. Now, let's talk about who on the medical
3 staff you are referring to. Tell us the names.

4 A That would be Pat Sheehan and Dr. Powell.

5 Q I'm sorry, Dr. --

6 A Powell.

7 Q Anyone else?

8 A Not to my recall.

9 Q Now, in regard to the termination of benefits, you
10 wrote to me a letter indicating the benefits to be
11 terminated, is that correct?

12 A Correct.

13 Q And I'm going to hand to you what has been
14 previously marked Plaintiff's Exhibit No. 8, and I
15 want you to look at Plaintiff's Exhibit No. 8, and
16 tell me, is that the letter of termination of
17 benefits?

18 A That's our letter that we would no longer be paying
19 benefits.

20 Q You can keep that there because I'm going to be
21 asking you some questions on it. Looking at that
22 letter for a second, the last two sentences, in
23 particular, did you say, "The documentation
24 provided does not support ongoing disability due to
25 medical restrictions or limitations. As a result,

1 this disability claim has been terminated"?

2 A Yes.

3 Q All right. Now, my question to you, my first
4 questions to you relate to the first sentence, "The
5 documentation provided does not support ongoing
6 disability due to medical restrictions or
7 limitations."

8 What documentation are you specifically
9 referring to when you say the documentation
10 provided?

11 A I believe I'd be referring to the medical
12 information we were provided.

13 Q Okay. Are you talking about the recent medical
14 information -- I mean, can you give us -- you wrote
15 this letter to terminate benefits, which is a
16 serious matter. At this point, where you used the
17 term "documentation," I need to have a more
18 specific understanding as to what documentation you
19 felt was inadequate?

20 MR. HENEFER: Objection to the form of
21 the question, but you can answer.

22 THE WITNESS: The medical documentation
23 we received from her treating physician.

24 BY MR. DIVEGLIA:

25 Q Well, are you talking about from the very first